

AMENDED IN ASSEMBLY JUNE 8, 2006

AMENDED IN SENATE MAY 3, 2006

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE APRIL 3, 2006

**SENATE BILL**

**No. 1842**

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**Introduced by Senator Migden**

March 2, 2006

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An act relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1842, as amended, Migden. San Francisco sports stadium project validation.

Existing law authorizes the board of supervisors of a county to construct, expand, lease, build, rebuild, furnish, refurnish, or repair buildings for various public purposes, including, a stadium, coliseum, sports arena, or sports pavilion, or other building for holding sports events, athletic contests, contests of skill, exhibition, spectacles, and other public meetings. Existing law sets forth the procedures pursuant to which a public agency may bring or respond to an action in the superior court to determine the validity of matters undertaken by the public agency and generally authorized to be determined by the court. Existing law permits a validation action only when bonds, warrants, contracts, and other obligations are authorized, which occurs when a governing body adopts the measure authorizing the issuance of the bonds or warrants, or approving the contract.

This bill would authorize the City and County of San Francisco to bring an action ~~at any time, whether before or after~~ final authorization of the proposed sports stadium project, to determine the validity of

any sports stadium project matter, as specified. This bill would not apply ~~to an action before final authorization~~ to determine the validity of specified lease revenue bonds ~~regarding~~ *of the proposed sports stadium project or to an action after final authorization of the proposed sports stadium project.*

This bill would make legislative findings and declarations regarding the need for special legislation.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) This act shall be known and may be cited as  
2 the “Sports Stadium Project Validation Procedure.”  
3 (b) As used in this section, the following definitions apply:  
4 (1) “Sports stadium” means a stadium, arena, pavilion, or  
5 other structures or buildings designed and intended primarily for  
6 holding professional athletic events, including, but not limited to,  
7 football, soccer, baseball, and basketball.  
8 (2) “Sports stadium project” means a project that meets all of  
9 the following:  
10 (A) The project is proposed to be built in whole, or in part, on  
11 real property that the City and County of San Francisco owns.  
12 (B) The project was the subject of a voter-approved measure.  
13 (C) The project involves the proposed development,  
14 entitlement, site assembly, operation, maintenance, repair, use,  
15 management, and financing of a sports stadium and any related  
16 uses, including, without limitation, any residential, commercial,  
17 parking, open space, and other mixed-use improvements and  
18 infrastructure proposed to be developed in connection with a  
19 sports stadium.  
20 (3) “Sports stadium project matter” means any interpretation  
21 or construction of, or findings or determination of authority,  
22 concerning the consistency of a sports stadium project with the  
23 provisions of any charter, ordinance, or declaration of policy  
24 adopted by the voters of the City and County of San Francisco  
25 and any related provisions of local law, that is made by its  
26 legislative body or any other agency, commission, or officer of  
27 the City and County of San Francisco, even if the interpretation,  
28 construction, finding, or determination is conditional or has not

1 been given effect in any final authorization relating to the  
2 proposed sports stadium project. The interpretation, construction,  
3 finding, or determination may be set forth in a resolution of the  
4 legislative body, agency, board, or commission, or any other  
5 action provided for under any charter, ordinance, regulation, or  
6 other law of the City and County of San Francisco or by other  
7 applicable law.

8 (c) (1) Notwithstanding Sections 863 and 869 of the Code of  
9 Civil Procedure, the City and County of San Francisco may, ~~at~~  
10 ~~any time, whether before or after final authorization of the~~ *before*  
11 *final authorization of the* proposed sports stadium project, bring  
12 an action pursuant to Chapter 9 (commencing with Section 860)  
13 of Title 10 of Part 2 of the Code of Civil Procedure to determine  
14 the validity of any sports stadium project matter if the Board of  
15 Supervisors of the City and County of San Francisco first adopts  
16 a resolution ~~authorizing that action.~~ *endorsing the filing of a*  
17 *validation action to be brought before the final authorization of*  
18 *the proposed sports stadium project.*

19 (2) The provisions of this act that permit an action to  
20 determine the validity of any sports stadium project before final  
21 authorization of the proposed sports stadium project shall not  
22 apply to a validation action ~~regarding of the~~ lease revenue bonds  
23 approved by San Francisco voters on June 3, 1997, by adopting  
24 Proposition D.

25 (3) If final authorization of the proposed sports stadium  
26 project is obtained, nothing in this act shall prohibit an action  
27 pursuant to Chapter 9 (commencing with Section 860) of Title 10  
28 of Part 2 of the Code of Civil Procedure regarding *either the*  
29 *lease revenue bonds authorized by Proposition D or the validity*  
30 *of any sports stadium project matter.*

31 (4) While the City and County of San Francisco may bring an  
32 action authorized by this act before final authorization of the  
33 proposed sports stadium project, any discretionary authorization  
34 by the City and County of San Francisco of the proposed sports  
35 stadium project, including the construction of the sports stadium,  
36 shall remain subject to any applicable requirements of the  
37 California Environmental Quality Act (Division 13 (commencing  
38 with Section 21000) of the Public Resources Code), and the  
39 action shall not include any determination as to the compliance  
40 of the sports stadium project with the requirements of the

1 California Environmental Quality Act, or any other matter that is  
2 not a sports stadium project matter as defined above, including,  
3 but not limited to, the Planning and Zoning Law (Title 7  
4 (commencing with Section 65000) of the Government Code) and  
5 the Community Redevelopment Law (Part 1 (commencing with  
6 Section 33000) of Division 24 of the Health and Safety Code).

7 (d) The Legislature finds and declares that a special law is  
8 necessary and that a general law cannot be made applicable  
9 within the meaning of Section 16 of Article IV of the California  
10 Constitution because of the unique circumstances of the City and  
11 County of San Francisco. The facts constituting the special  
12 circumstances are:

13 The voters in the City and County of San Francisco approved  
14 measures for the development of a new sports stadium and  
15 complementary uses at Candlestick Point. Before undertaking  
16 this major investment of money and resources as part of a  
17 public-private development partnership, the City and County of  
18 San Francisco needs to ensure that a proposed project at this site  
19 is viable and consistent with the voter-adopted measures.  
20 Because Chapter 9 (commencing with Section 860) of Title 10 of  
21 Part 2 of the Code of Civil Procedure does not permit a  
22 validation action until final authorization of a project, it is  
23 necessary for the Legislature to enact special legislation that  
24 allows for the City and County of San Francisco to bring an  
25 action before the final authorization of the proposed sports  
26 stadium project, to determine the validity of any sports stadium  
27 project matter.